

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
Expanding the Economic and Innovation) Docket No. 12-268
Opportunities of Spectrum)
Through Incentive Auctions)

REPLY COMMENTS OF
CIVIC MEDIA ADVISORS

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April 18, 2013

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April 18, 2013

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-A325
Washington, DC 20554

Re: REPLY COMMENTS

*Expanding the Economic and Innovation Opportunities of Spectrum Through
Incentive Auctions, GN Docket No. 12-268*

Dear Ms. Dortch:

On April 17, 2013, numerous representatives of T-Mobile, USA, Inc., submitted an Ex Parte Notice and Presentation related to the proposed T-Mobile 35x35 MHz band plan for the spectrum recovered in the incentive auction. My comments herein are a direct reply to those comments and others T-Mobile has submitted related to their 35x35 MHz plan.

Respectfully submitted,

/s/ Michael Gravino
CIVIC MEDIA ADVISORS

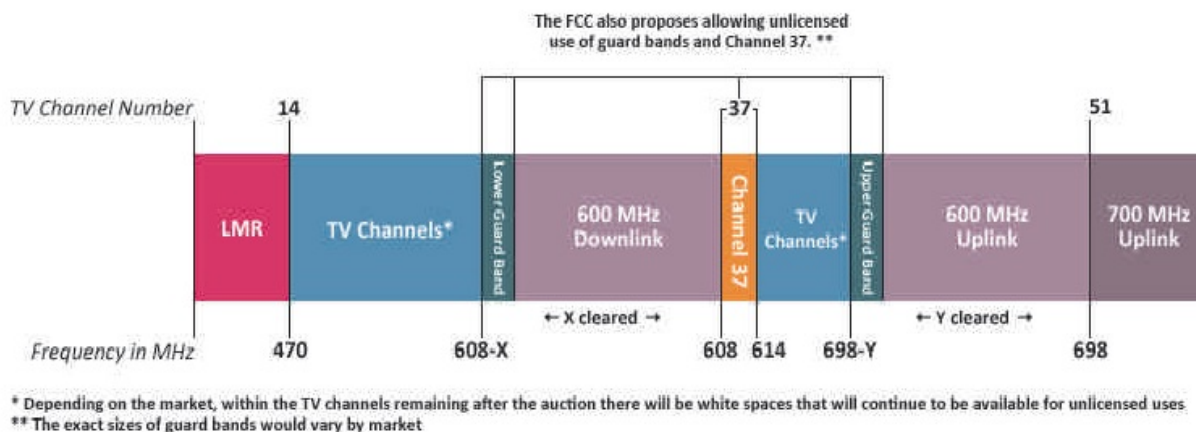
CIVIC MEDIA ADVISORS provides technical build-out, content channel development, TV DMA market evaluations, and regulatory consulting for LPTV and Class-A television broadcaster, OTT content channels, and the investors.

CIVIC MEDIA ADVISORS

1. THE FCC 25X25 MHz BAND PLAN IS BEST FOR ALL TV LICENSEES

The FCC has proposed a 25x25 MHz national band plan in their documentation:

http://transition.fcc.gov/Daily_Releases/Daily_Business/2013/db0116/DOC-318455A1.pdf - page 11



What this Plan does is leave intact for all classes of TV broadcasters (full power, Class-A, LPTV, and TX) UHF TV channels 14-36, some twenty-three (23) 6-MHz channels. This is in addition to the low and high VHF channels, the number of which could be technically feasible for DTV is dependent on the physical characteristics within each TV DMA.

While the FCC has not yet released its' model for how the post-auction repack will be technically accomplished, it has released a beta-version of *TV Study*, a proposed new generation to the OET-69 software which the FCC and the broadcast engineering community successfully used for the DTV transition, and is still using for all current broadcast engineering studies.

The analysis below is of three TV DMA (Washington, DC, Denver, CO, and Portland, OR), each of which is within the top-30 TV markets where the FCC and the wireless industry have said there will be a future spectrum crunch. What we analyze is the effect of the proposed FCC 25x25 MHz national band plan and how the post-auction repack may play out. This is a simple channel substitution analysis

and does not attempt to replicate coverage areas, the effects of the signals of adjacent DMA stations, nor takes into effect how this all plays out nationally. What it does do is to see if there are available channels for ALL classes of broadcasters which either have licensed operations, or construction permits. It does not attempt to deal with any pending applications at all.

WASHINGTON, DC (HAGERSTOWN) - TV DMA #8 - TV HHs = 2,359,160

VHF	WDCN-LP	LP-LIC	6
VHF	WJLA-TV	DT-LIC	7
VHF	WMDO-LD	LD-LIC	8
VHF	WUSA-TV	DT-LIC	9
VHF			10
VHF			11
VHF	WWPX-TV	DT-LIC	12
VHF			13
UHF	WWTD-LD	LD-LIC	14
UHF	WFDC-DT	DT-LIC	15
UHF			16
UHF			17
UHF			18
UHF			19
UHF	WQAW-LP	LD-CP	20
UHF			21
UHF	WMDO-LD	LD-APP	22
UHF	WDDN-LD	LD-LIC	23
UHF	WNVC-TV	DT-LIC	24
UHF	WZDC-CD	DC-LIC	25
UHF	WHAG-TV	DT-LIC	26
UHF	WETA-TV	DT-LIC	27
UHF	WFPT-TV	DT-LIC	28
UHF			29
UHF	WNVT-TV	DT-LIC	30
Displaced	WETA-TV	LD-APP	31
UHF	WRZB-LD	LD-CP	32
UHF	WHUT-TV	DT-LIC	33
UHF	WPXW-TV	DT-LIC	34
UHF	WDCA-TV	DT-LIC	35
UHF	WTTG-TV	DT-LIC	36
Radio Astronomy			37
Has to move	WJAL-TV	DT-LIC	39
Has to move	WMPT-TV	DT-LIC	42
Displaced	WIAV-LD	LD-APP	44
Displaced	W45DC-D	LD-LIC	45
Has to move	WRC-TV	DT-LIC	48
Has to move	WDCW-TV	DT-LIC	50

What this simple analysis shows is that if the proposed FCC 25x25 MHz national band plan is used there will be ample room to “repack” four (4) full power stations, two (2) LPTV stations, to allow for LD apps to be approved, and still leave room for VHF licensees to move around.

Now when the either the OET-69 or new TV *STUDY* software is used, and coverage areas need to be replicated, and taking into account adjacent market interference, etc., who knows what will happen and who will have to move where.

Is the FCC intent is to start with a “blank” slate of VHF and UHF spectrum below 37, and not take into account where licensees are already operating?

DENVER, CO - TV DMA #17 - TV HHs = 1,566,460

VHF	KO5MD-D	LD-LIC	5
VHF	KXDP-LP	TX	6
VHF	KMGH-TV	DT-LIC	7
VACANT			8
VHF	KUSA-TV	DT-LIC	9
VHF	K58IY-D	LD-APP	10
VHF	KQCK-TV	DT-LIC	11
VHF	K56JK-D	LD-APP	12
VHF	KBDI-TV	DT-LIC	13
UHF	KZDE-LD	LD-LIC	14
UHF	KTFD-DT	DT-LIC	15
UHF	KHDT-LD	LD-LIC	16
UHF	KUSA-TV	CP-MOD	16
UHF	KZCO-LD	LD-LIC	17
UHF	KRMA-TV	DT-LIC	18
UHF	KTVB-TV	DT-LIC	19
UHF	K20K3-D	LD-LIC	20
UHF	KFCT-TV	DT-LIC	21
VACANT			22
UHF	KCDO-TV	DT-LIC	23
UHF	K24HQ-D	LD-LIC	24
UHF	K24JW-D	LD-LIC	24
UHF	KPXH-LD	LD-LIC	25
UHF	KZDN-LD	LD-LIC	26
UHF	KZCO-LP	TX	27
UHF	K27MA-D	LD-LIC	27
UHF	KLPD-LD	LD-LIC	28
UHF	KDEN-TV	DT-LIC	29
Displaced	KO5MD-D	LD-APP	30
UHF	KXDP-LD	LD-CP	31
UHF	KDVR-TV	DT-LIC	32
UHF	KTDS-LD	LD-LIC	33
UHF	KWGN-TV	DT-LIC	34
UHF	KCDO-TV	LD-LIC	34
UHF	KCNC-TV	DT-LIC	35
UHF	KDVT-LP	TX	36
Radio Astronomy			37
Has to move	KPJR-TV	DT-LIC	38
Has to move	KQDK-CD	DC-LIC	39
Has to move	KRMT-TV	DT-LIC	40
Has to move	KSBS-CD	DC-LIC	41
Displaced	DK66FB	LD-CP	42
Has to move	KPXC-TV	DT-LIC	43
Displaced	KDNF-LD	LD-LIC	44
Has to move	KETF-TV	DT-LIC	45
Displaced	KHDT-LP	TX	45
Vacant			46
Displaced	KRMA-TV	LD-LIC	47
Has To Move	KSBS-LP	CA-CP	47
Displaced	K48MN-D	LD-LIC	48
Displaced	KDEO-LD	LD-LIC	48
Vacant			49
Displaced	KDEO-LD	LD-LIC	50
Has to move	KCEC	DT-LIC	51

What this simple analysis shows is that if the proposed FCC 25x25 MHz national band plan is used there will be NOT be sufficient room to “repack” five (5) full power stations, three (3) Class-A stations, and six (6) LPTV stations.

What this means is that at least seven (7) LPTV stations, and potentially more TX licensees will be totally displaced.

This is a very tightly packed TV DMA with numerous LD and TX stations to serve geographically challenged environments.

There are three (3) full power VHF incumbents, do they stay?

PORTLAND, OR - TV DMA #22 - TV HHs = 1,182,180

VHF			6
VHF	KOAC-TV	DT-LIC	7
VHF	KGW	DT-LIC	8
VHF			9
VHF	KOPB-TV	DT-LIC	10
VHF			11
VHF	KPTV-TV	DT-LIC	12
VHF			13
UHF	K14HN	LD-CP	14
UHF	K151X-D	LD-LIC	15
UHF	KORS-CD	DC-LIC	16
Vacant			17
UHF	K18EL-D	LD-LIC	18
Vacant			19
Vacant			20
Vacant			21
UHF	KPXG-TV	DT-LIC	22
Vacant			23
UHF	KPWC-LD	DT-LIC	24
Vacant			25
UHF	K26GJ-D	LD-LIC	26
UHF	KSLM-LD	LD-LIC	27
UHF	K28IH-D	LD-LIC	28
Vacant			29
UHF	KPDX-TV	DT-LIC	30
Vacant			31
UHF	KOPB-TV	LD-CP	32
UHF	KRCW-TV	LD-LIC	33
Vacant			34
Vacant			35
UHF	KEVE-LD	LD-LIC	36
Radio Astronomy			37
Displaced	K38LZ-D	LD-LIC	38
Vacant			39
Has to move	KOIN-TV	DT-LIC	40
Displaced	K41IP-D	LD-LIC	41
Displaced	KPXG-LD	LD-LIC	42
Has to move	KATU-TV	DT-LIC	43
Displaced	KOXO-LD	LD-LIC	44
Has to move	KNMT-TV	DT-LIC	45
Displaced	KGWZ-LD	LD-LIC	46
Displaced	KUMP-LD	LD-LIC	47
Displaced	KOPB-TV	LD-LIC	48
Displaced	K48MA-D	LD-LIC	48
Displaced	KWVT-LD	LD-LIC	49
Displaced	K50GG-D	LD-LIC	50

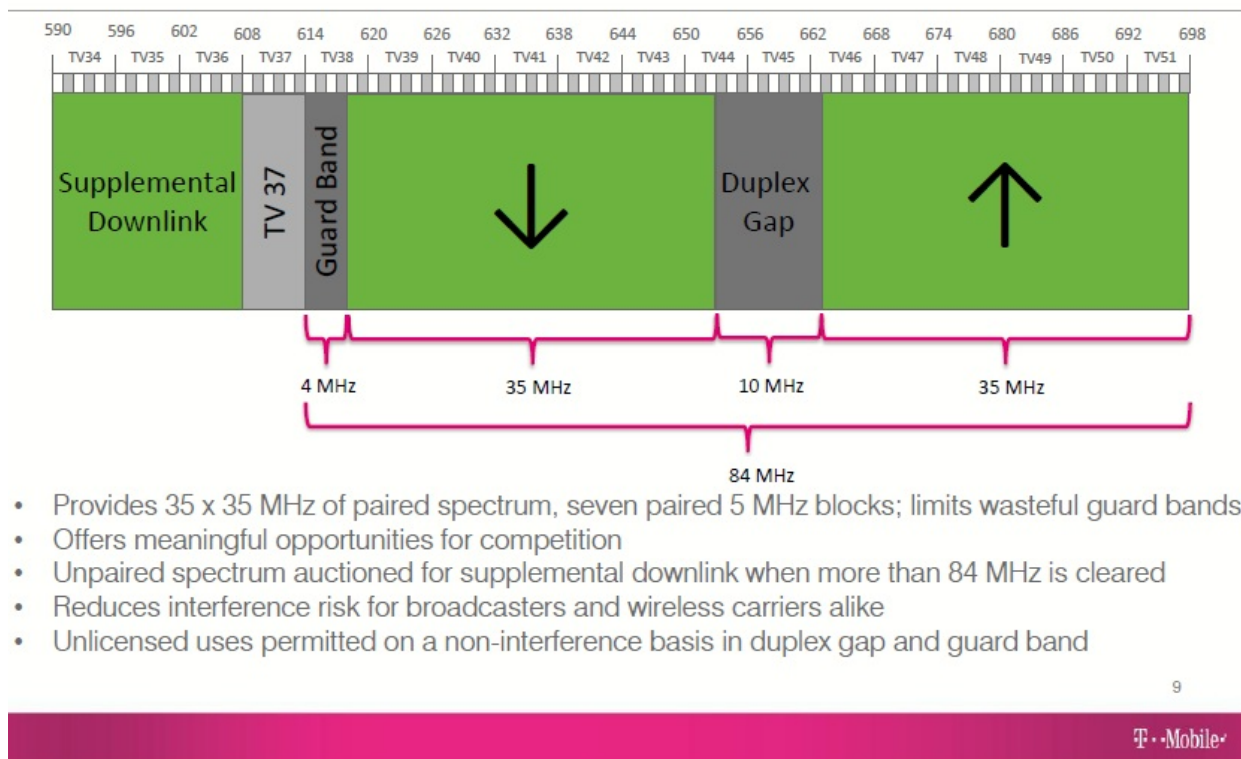
What this simple analysis shows is that if the proposed FCC 25x25 MHz national band plan is used there will be ten (10) vacant UHF channels which provide for sufficient room to “repack” three (3) full power stations, but not enough to repack and ten (10) LPTV stations, unless of course the VHF spectrum is used.

Using the 25x25 plan this be a very tightly repacked TV DMA, but should be able to provide enough spectrum for all current licensees.

2. WHY THE T-MOBILE 35X35 MHz BAND PLAN SHOULD BE REJECTED

T-Mobile USA, Inc. has submitted NPRM comments and has had Ex Parte meetings to promote its “35x35 MHz Band Plan”. The major difference for ALL broadcasters between the 35x35 plan and 25x25 plan is that the 35x35 plan calls for using UHF TV channels 34-36, that is at least 18 MHz, or three (3) 6 MHz channels, for a “Supplementary Downlink”.

T-Mobile Band Plan Proposal



Now T-Mobile may not think grabbing another three (3) UHF TV channels does not matter, but if we look at the DC, Denver, and Portland TV DMA again using their proposed 35x35 band plan, we can see MAJOR DISPLACEMENT PROBLEMS!!!

Those three (3) UHF channels (34-36) are CRUCIAL to meeting the needs of ALL CLASSES OF BROADCASTERS. And with the soon-to-be development of ATSC 3.0 and a new broadcast standard, those three UHF channels could mean almost fifty (50) new TV sub-channels, dozens of new digital services, and hundreds of new economic opportunities for ALL BROADCASTERS!!! IT ALSO MEANS MORE FREE CONTENT AND VITAL CIVIC SERVICES TO CITIZENS (see Civic Broadcasting Digital Divide NPRM Comments).

All that T-Mobile and the wireless bidders need channel 34-36 for is because their unicast broadcast model is not as efficient as the new broadcast standard will be.

The FCC should reject the 35x35 MHz national band plan and demand that the wireless companies deploy a more efficient transmission scheme for the public. Broadcasts need UHF channels 34-36 and will be able to deliver more services to the public and do it for FREE!!!!